Original

1910-11

FILE No. 15 OF 1910-11

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

PROCEEDINGS OF THE GENERAL AND REVENUE DEPARTMENTS

JUDICIAL AND LEGISLATIVE (LEGISLATION).

APRIL 1912.

"A" Collection: Serial Nos. 1-6.

Amendment of the Court Fees Regulation.

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1910-11.

GENERAL AND REVENUE SECRETARIAT.

(LEGISLATION.)

NOTES.

FILE No. 15 OF 1910-11.

Amendment of the Court Fees Regulation.

The proposed draft for the amendment of the Mysore Court Fees Regulation.

Whereas it is expedient to amend Section 7, clause V (*b*) of the Mysore Court Fees Regulation, it is enacted as follows :—

" Where the land forms an entire estate or a definite share of an estate paying annual revenue to Government (*or to the holder or holders of an alienated village into which Survey Settlement has been introduced*), or forms part of such estate and is recorded as aforesaid, and such revenue is settled, but not permanently, five times the revenue so payable."

V. RAGHAVACHAR,

R. A. Member for the Mysore Taluk.

18-10-10.

ಕೋರ್ಟು ಫೀ ಸ್ಟ್ಯಾಂಪು ಆಕ್ಟು, 4 ನೆ ಕೆಕ್ಷೆ, ಕ್ಲಾಸ್ 5ದರಲ್ಲಿ, ಆಗಬೇಕಾದ ಬದಲಾವಣೆ

ಯಿನಾಂ ಜೋಡಿ ಯಾ

ಕಾಯಂಗುತ್ತಾ ಗ್ರಾಮಗಳಲ್ಲಿರತಕ್ಕ ಜಮೀನುಗಳಮೇಲೆ ಆಗತಕ್ಕ ದಾವಾಗಳ ಸ್ಟ್ಯಾಂಪು ವಿಚಾರದಲ್ಲಿ

1 ಡಿಪ್ಪಲ್ ಸರ್ವೆ ಮತ್ತು ಕೆಟಲ್‌ಮೆಂಟು ಆಗಿರತ್ಕ ಗ್ರಾಮಗಳಲ್ಲಿ ಆಯಾಯಾ ನಂಬರಿನ ಆಕಾರದ ಮೇಲೆ ಸರ್ಕಾರ ಜಮೀನಿನಂತೆ ಆಕಾರದ 5ದರಷ್ಟು ಕೊಡುವಂತ ಮಾಡಬೇಕಾದ್ದು.

2 ಡಿಪ್ಪಲ್ ಸರ್ವೆ ಮತ್ತು ಕೆಟಲ್‌ಮೆಂಟು ಆಗದೆ ಯಿರತಕ್ಕ ಗ್ರಾಮಗಳಲ್ಲಿನ ಜಮೀನುಗಳ ಮೇಲೆ ಕೀರತಕ್ಕ ದಾವ ಸ್ಟ್ಯಾಂಪು ವಿಚಾರದಲ್ಲಿ

ವಾರಿ ನಮೂದು ಮಾಡುವ ಸುಮಾರು ವಿಸ್ತೀರ್ಣ ಆಕಾರಗಳಿಗೆ ಸರ್ಕಾರದ ಜಮೀನಿನ ಆಕಾರದಂತೆಯೇ ಸ್ಟ್ಯಾಂಪು ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಆಗತಕ್ಕದ್ದು.

ಅಥವಾ ಹಾಗೆ ಆಗಲು ತೊಂದರೆ ಏನಾದರು ಕಂಡುಬಂದಲ್ಲಿ ವಾರಿನಮೂದಿಸುವ ವಿಸ್ತೀರ್ಣಕ್ಕೆ ಸರ್ಕಾರದಿಂದ

ಕುಷ್ಕಿಗೆ ಎಕರೆ —1ಕ್ಕೆ—1—0—0

ತರೀಜಮೀನಿಗೆ —1ಕ್ಕೆ—3—0—0

ಬಾಗಾಯಿತಿಗೆ—3—to 5—0—0

ನೂತೆ ನಿರಖು ದರಮಾಡಿ ಆಯಾ ಜಿಲ್ಲೆಗಳು ಸಂವಿಧಾನುಸಾರ ದರ ಗೊತ್ತುಮಾಡಿ ಆ ಆಕಾರದ 5ರಷ್ಟು ತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಮಾಡಬೇಕು.

18—10—10. K. KRISHNAMURTI.

Mr. Krishna Murti wants a reduction of Court-fees in suits for lands in inam villages into which no survey settlement has been introduced. He states that in these cases either the same amount of stamp fee as may be levied in regard to a similar extent of land in Government villages may be ordered to be taken, or if this is considered impossible a Court-fee of five times the amount that may be fixed according to the discretion of each judge for several classes of lands, not exceeding one rupee per acre in the case of dry lands, 3 rupees in the case of wet lands and 3 to 5 in the case of garden lands may be levied.

2. His representation does not seem to be quite clear. Suits for garden lands are governed by sub-clause B., of clause V of Section 4. Mr. Raghavachar's reference to Section 7 does not seem to be correct. He apparently refers to para *b* of sub-clause A of clause V of Section 4.

Submitted for orders.

T. K. S.
29-10-10.

S. N.
1-11-10.

3. Mr. Raghavachar's suggestions are worthy of consideration. They refer only to villages into which survey and settlement has been introduced. Mr. Krishna Murthi's alternative suggestions need not be considered as they appear to be quite impracticable.

4. Mr. Raghavachar has sent in a draft amendment, in which reference is made to the payment to the holder. But it is possible that the owner of the land may not pay any rent or revenue to the owner of the alienated village. To cover such cases an alternative amendment, somewhat as follows, may be considered.

Section 4 V A. (*b*) and (2):

" Where the land forms part of an alienated village and is assessed with revenue in accordance with a survey and settlement introduced into the village under the provisions of the Mysore Land Revenue Code, 1888—five times such revenue."

S. HIRIYANNAIYA.

5. The amendment suggested by Mr. Hiriannaiya may be adopted. 27-12-10.

C. S. BALASUNDARAM IYER.

6. I prefer the suggestion made by Mr. Raghavachar in his memo. The cases referred to by the Assistant Secretary should not be covered by the amendment, as if a person who pays no assessment to a superior holder sues for a field, the value of the latter will be higher than when he wishes to recover it burdened with the payment of assessment; a draft may be made accordingly. 7-1-11.

H. V. NANJUNDAYYA.

7. Draft bill is submitted. 10-1-11.

T. K. S.
16-1-11.

S. N.
18-1-11.

8. A revised draft is submitted.

S. HIRIYANNAIYA.

9. The draft may be adopted and further proceedings taken. 20-1-11.

H. V. NANJUNDAYYA.

10. To Council. 21-1-11.

T. ANANDA ROW.

11. The amendment proposed by Mr. V. Raghavachar and concurred in by the Second Councillor may be adopted. 2-2-11.

K. P. PUTTANNA CHETTY.

Submitted to His Highness. 20-2-11.

12. (1) It was represented at the Dasara Representative Assembly of 1909, that Court-fees leviable under Section 4 of the Mysore Court Fees Regulation, III of 1900, in respect of suits relating to lands situate in inam villages are calculated either on the value of such lands or fifteen times the yield of such lands in the year previous to the suit, that in respect of lands in Government villages, the fees are calculated at five times the assessment and that such distinction may be removed by amending the Court Fees Regulation. The Government replied that there were many practical difficulties in carrying out the suggestion and that the matter could be considered if the Representative Member (Mr. V. Raghavachar) submitted detailed proposals in the shape of a draft bill.

(2) Mr. V. Raghavachar has submitted a draft bill to amend Section 7, clause V (*b*) of the Court Fees Regulation, III of 1900. Section 7 is apparently a mistake for Section 4, as the former has no sub-clause bearing the sub-number V (*b*).

(3) The amendment proposed, it will be seen, applies only to land in inam villages into which survey and settlement has been introduced. Both the Councillors are agreed as to the adoption of the proposed amendment to Section 4, clause V (*b*) of the Court Fees Regulation. If approved, the bill will be placed before the Legislative Council.

T. ANANDA ROW.

13. Approved. *Order.* 25-2-11.

K. R. W.
His Highness the Maharaja of Mysore.
9-3-11.

14. Put up the usual drafts (to the Residency, etc.)

S. HIRIYANNAIYA.
27-3-11.

15. Draft of a D. O. to the Resident is submitted with a draft statement of objects and reasons.

T. K. S.
1-4-11.

16. Please type the drafts as revised.

S. HIRIYANNAIYA.
6-4-11.

17. Typed copies submitted.

T. K. S.
8-4-11.
S. N.
10-4-11.

S. HIRIYANNAIYA.
10-4-11.

18.

H. V. NANJUNDAYYA.
10-4-11.

19. The draft D. O. was approved by the Dewan and issued from the Dewan's Office The original draft together with a typed copy is placed on the file.

C. E. R.
20-6-11.

2. No. 3800, dated 29th June 1911, from the First Assistant Resident.

Informs that there is no *prima facie* objection to the Bill being laid before the Legislative Council.

Submitted.

T. K. S.
3-7-11.
S. N.
3-7-11.

20. This may perhaps be published in the Gazette under Rule 32.

S. HIRIYANNAIYA.
3-7-11.

21.

H. V. NANJUNDAYYA.
3-7-11.

22. Yes, publish please.

T. ANANDA ROW.
10-7-11.

23. Submitted with a draft notification.

T. K. S.
12-7-11.
S. N.

24. Issue.

Let me see final draft please.

S. HIRIYANNAIYA.
12-7-11.

25. The Bill was published in the *Gazette* under Rule 32 of the Legislative Council Rules and was introduced and read at the meeting of the Council held on the 11th September 1911, when it was considered and adopted. It was also resolved to take up and pass the bill at a subsequent meeting of the Council. The sanction of the Government of India has now to be obtained to enable the Council to pass the Bill. Submitted with a draft to the Residency for approval.

T. K. S.
20-10-11.
S. N.
20-10-11.

26. May be approved.

S. HIRIYANNAIYA.
24-10-11.

27. Draft approved by 2nd Councillor, 25th October 1911.

28. Draft approved by Dewan, 14th November 1911.

29. Issue.

C. S. BALASUNDARAM IYER.
15-11-11.

3. No. Pol. 448, dated 17th November 1911, to the First Assistant Resident, Bangalore.

Forwards for obtaining the sanction of the Government of India, two copies of the Bill further to amend the Mysore Court Fees Regulation, 1900, as finally adopted by the Legislative Council.

4. No. 495, dated 24th January 1912, from the First Assistant Resident.

Informs that the Governor-General in Council has accorded his consent to the Bill on the usual understanding as to the retention by him of the power and authority vested in him by virtue of Article 19 of the Instrument of Transfer.

Submitted.

T. K. S.
27-1-12.

30. The Bill has to be placed before the Legislative Council for final passing. Perhaps this may be noted for the agenda for the next meeting of the Legislative Council.

T. K. S.
27-1-12.

31. Submitted to 2nd Councillor and Dewan for information.

S. HIRIYANNAIYA.
27-1-12.

32. H. V. NANJUNDAYYA.
29-1-12.

33. The Bill as approved by the Government of India was passed by the Legislative Council at the meeting held on the 21st February 1912. The sanction of His Highness the Maharaja has now to be obtained for its promulgation as law. Submitted with a copy of the Bill as finally passed for the Dewan's signature being obtained thereto. (*Vide* Rule 52 of the Legislative Council Rules.)

T. K. S.
24-2-12.

S. HIRIYANNAIYA.
26-2-12.

34. Dewan.

35. C. S. BALASUNDARAM IYER.
28-2-12.

Submitted to His Highness.

36. The Bill to amend Section 4, clause V (*b*) of the Mysore Court Fees Regulation, III of 1900, as approved by the Government of India, was finally passed at the meeting of the Legislative Council held on the 21st February 1912. The assent of His Highness may be accorded for promulgating the Bill as law.

T. ANANDA ROW.
5-3-12.

Order.

37. K. R. W.
His Highness the Maharaja of Mysore.
8-3-12.

38. Put up draft order.

S. HIRIYANNAIYA.

39. Draft submitted for approval.

T. K. S.
12-3-12.
S. N.

40. Issue.

S. HIRIYANNAIYA.
12-3-12.

5. No. J. 2724, dated 16th March 1912, to the Compiler, Mysore Gazette.

Forwards the Bill which received the assent of His Highness on 8th March 1912 to be published as Regulation, II of 1912.

41. Submitted.

This may now be sent to the Dewan's Office for obtaining the signature of the Dewan to the Bill as finally passed and approved by His Highness the Maharaja.

T. K. S.
20-3-12.

File received back with the Bill signed by the Dewan.

T. K. S.
21-3-12.

42. Submitted.

Spare copies of the Regulation have been received from the Press and have been compared. Copies have to be sent as usual to the Residency and the usual draft is put up.

T. K. S.
9-4-12.
S. N.
10-4-12.

43. Issue.

S. HIRIYANNAIYA.
10-4-12.

6. No. Pol. 869, dated 15th April 1912, to the First Assistant Resident.

Forwards ten copies of the Regulation, II of 1912, and requests him to forward one copy to His Highness the Nizam's Government.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Amendment of the Court Fees Regulation, 1900.

FILE No. 15.

D. O. No. 2449, dated the 19th June 1911, from Mr. T. Ananda Row, B.A., C.I.E., Dewan, to Colonel Hugh Daly, C.S.I., C.I.E., Resident in Mysore.

I forward herewith copy of a Bill to amend the Mysore Court Fees Regulation, III of 1900. **Serial No. 1.**

2. As may be seen from the Statement of Objects and Reasons, the idea is to amend sub-head V of Section 4 so as to extend the favourable rule of valuation for Court Fee purposes contained in sub-clause (*b*) of clause A in respect of lands situate in *unalienated* villages to certain lands situate in *alienated* villages into which survey and settlement has been introduced. The holder of such a land pays full assessment on it just like the holder of a Government land, the only difference being that he pays it to a private person. There is no reason therefore why a heavier Court fee should be demanded in respect of such lands. The subject has been brought forward at the Representative Assembly on several occasions and the Durbar consider that the representation should be favourably viewed at least as regards lands on which full assessment as settled at a survey is paid to the inamdar.

3. I am to add that the Bill will be laid before the Legislative Council in the usual course.

A Bill further to amend the Mysore Court Fees Regulation, 1900.

Preamble. Whereas it is expedient further to amend the Mysore Court Fees Regulation, 1900; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 4, sub-head V. 1. The following shall be substituted for sub-clause (*b*) of clause A, under sub-head V of Section 4, namely:—

"(*b*). Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or to the holder or holders of an alienated village to which the provisions of Chapters VIII and IX of the Land Revenue Code have been extended, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently,—

five times the revenue so payable;

Statement of Objects and Reasons.

Under Section 4 of the Mysore Court Fees Regulation, III of 1900, the Court fee in respect of suits relating to lands in Government villages is calculated at ten or five times the assessment on the lands according as they are situate in permanently or temporarily settled villages, while the Court fee payable in respect of suits for lands in inam villages is calculated either on fifteen times the net profits where such profits have arisen from the lands during the year next before the date of presenting the plaint, or on their market value. It has been represented by the members of the Representative Assembly that this works as a hardship in the case of holders of lands in alienated villages, and that the rule in respect of lands in Government villages should be extended at least to lands in alienated villages into which Survey and Settlement has been introduced. The Government are of opinion that the representation is a reasonable one and accordingly propose to place such lands, for purposes of valuation under Section 4 of the Court Fees Regulation in the same category as lands situate in Government villages which are not permanently settled. Hence the present Bill.

D. O. No. 3800, dated 29th June 1911, from Mr. P. B. Warburton, First Assistant to the Hon'ble the Resident, to the Dewan.

I am desired to acknowledge the receipt of your demi-official letter No. 2449, dated the 19th June 1911, forwarding a copy of a Bill to amend the Mysore Court Fees Regulation, 1900 (III of 1900), and, in reply, to state that the Resident sees no *prima facie* objection to the Bill being laid before the Legislative Council. **Serial No. 2.**

Proceedings of the Government of His Highness the Maharaja of Mysore.

Amendment of the Court Fees Regulation, 1900.

Letter Pol. No. 448, dated the 17th November 1911, from the Secretary to Government, General and Revenue Departments, to the First Assistant Resident in Mysore.

I am directed to forward herewith a Bill further to amend the Mysore Court Fees Regulation, 1900, and to state as follows:— **Serial No. 3.**

2. Under Section 4 of the Mysore Court Fees Regulation, the Court Fee in respect of suits relating to lands in Government villages is calculated at ten or five times the assessment according as they are situate in permanently or temporarily settled villages, while the Court-fee payable in respect of suits for lands in inam or alienated villages is calculated either on fifteen times the net profits where such profits have arisen from the lands during the year next before the date of presenting the plaint or on their market value. It has been represented by the members of the Mysore Representative Assembly that this works as a hardship in the case of holders of lands in alienated villages and that the rule in respect of lands in Government villages may be extended at least to lands in alienated villages into which survey and settlement have been introduced. The Durbar consider the representation to be a reasonable one and accordingly propose to place such lands, for purposes of valuation under Section 4 of the Mysore Court Fees Regulation, in the same category as lands in Government villages which are not permanently settled. Hence the present Bill.

The Bill was placed before the Legislative Council at the meeting held on the 11th September 1911, when it was considered and adopted by that body.

I am now to request that the sanction of the Government of India may be obtained for the Bill being passed as law.

A Bill further to amend the Mysore Court Fees Regulation, 1900.

Whereas it is expedient further to amend the Mysore Court Fees Regulation, 1900;

Preamble. His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 4, sub-head V. 1. The following shall be substituted for sub-clause (*b*) of clause A under sub-head V of Section 4, namely:—

"(*b*) Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or to the holder or holders of an alienated village to which the provisions of Chapters VIII and IX of the Land Revenue Code have been extended, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently,—

five times the revenue so payable;"

Letter No. 495, dated 24th January 1912, from P. B. Warburton, Esq., I.C.S., First Assistant to the Rsident in Mysore, to the Dewan of Mysore.

I am directed to acknowledge the receipt of Mr. Balasundaram Iyer's letter No. 448 Pol., dated the 17th November 1911, forwarding for the orders of the Government of India a draft Bill whereby the Durbar propose further to amend the Mysore Court Fees Regulation, 1900 (III of 1900). **Serial No. 4.**

2. In reply, I am to say that the Governor-General in Council has been pleased to accord his consent to the draft Bill on the understanding that he retains over it the power and authority which vests in him by virtue of Article 19 of the Instrument of Transfer.

Order No. J. 2724—Legis. 15-10.

That the Bill further to amend the Mysore Court Fees Regulation, 1900, which received the assent of His Highness the Maharaja on the 8th March 1912, be published for general information as Regulation No. II of 1912. **Serial No. 5.**

Letter Pol. No. 869, dated the 15th April 1912, from the Secretary to Government, General and Revenue Departments, to the First Assistant Resident in Mysore.

I am directed to forward herewith a copy of Regulation No. II of 1912, a Regulation further to amend the Mysore Court Fees Regulation, 1900, with nine spare copies, and to request that a copy may as usual be forwarded to His Highness the Nizam's Government. **Serial No. 6.**

REGULATION No. II OF 1912.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 8TH DAY OF MARCH 1912.)

A Regulation further to amend the Mysore Court Fees Regulation, 1900.

Preamble.

Whereas it is expedient further to amend the Mysore Court Fees Regulation, 1900; His Highness the Maharaja is pleased to enact as follows:—

Amendment of Section 4, sub-head V.

1. The following shall be substituted for sub-clause (*b*) of clause A under sub-head V of Section 4, namely:—

(*b*) "Where the land forms an entire estate, or a definite share of an estate, paying annual revenue to Government or to the holder or holders of an alienated village to which the provisions of Chapters VIII and IX of the Land Revenue Code have been extended, or forms part of such estate and is recorded as aforesaid;

and such revenue is settled, but not permanently,—

five times the revenue so payable;"